

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

Freddie Lee Ervin, Jr.,	)	
	)	
Petitioner,	)	4:03-2348-CWH
	)	
vs.	)	
	)	
United States of America,	)	<b>ORDER</b>
	)	
Respondent.	)	
_____	)	

On July 16, 2003, pursuant to 28 U.S.C. §2255, the petitioner Freddie Lee Ervin, Jr. commenced this pro se action attacking his guilty plea and sentence. On June 23, 2006, the government moved for summary judgment. On June 23, 2006, the Court issued a Roseboro order, advising the petitioner of summary judgment dismissal procedure and informing the petitioner that he must respond within 34 days of the date of the order. To this date, the petitioner has not responded.

IT IS THEREFORE ORDERED, that the petitioner respond to the government's motion for summary judgment within 30 days of the date of this order. Failure to respond may result in the Court granting summary judgment against the petitioner pursuant to the Federal Rules of Civil Procedure 56(e).

**AND IT IS SO ORDERED.**




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**C. WESTON HOUCK  
UNITED STATES DISTRICT JUDGE**

July 27, 2006  
Charleston, South Carolina